IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1443 OF 2005

Mr. Sahadeo Vithoba Dombale .. Petitioner.

vs.

The Chief Officer, Municipal
Council, Baramati & Ors. .. Respondents.

Mr. S.M. Oka with Ambmer Joshi for petitioner.
Mr. A.P. Kulkarni for respondents nos. 2 & 4.

CORAM : S.U. KAMDAR, J.

DATE : 28th November, 2005.

P.C.:

. The present petition is filed challenging the interim order staying partly the decree passed by the trial Court in Civil Appeal No. 131 of 2004. The said appeal is still pending before the IInd Additional District Judge, Baramati. A prima facie view has been expressed by the Court that in view of the provisions of section 92 of the Municipalities Act, transfer of suit property by the Municipal Council is illegal and, therefore, the stay has been granted by the appeal court. I do not see any reason to interfere with interlocutory order passed

by the IInd Additional District Judge, Baramati. The view expressed by the learned IInd Additional Judge, Baramati cannot be said to be perverse nor there is any error apparent on the face of the record. In any event, the view expressed by the District Judge is tentative and prima facie. In that view of the matter, I decline to exercise writ jurisdiction under Article 227 of the Constitution of India. Petition dismissed. No order as to costs. The IInd Additional District Judge, Baramati is directed to dispose of the appeal without in any way influenced by the present order and on its own merits.